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Management summary

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Objective and design of the study

Due to the fact that, mainly young, novice drivers pose a larger risk to traffic safety than experienced drivers, in 2002 the novice drivers regulation was introduced in the Netherlands with the aim to promptly take action in case of novice drivers who repeatedly commit traffic offences. The evaluation of this novice drivers regulation was carried out by Regioplan, commissioned by the Research and Documentation Centre of the Ministry of Justice and Security. The evaluation consisted of four parts: the reconstruction of the policy logic, an investigation of the performance practice, research into target reach and optimization of the novice drivers regulation.

To reconstruct the policy logic we have studied Parliamentary Papers and scientific literature. In addition, conversations have been held with those involved at the policy department of the Ministry of Justice and Security and the Ministry of Infrastructure and Water Management and with traffic safety experts and influencing behaviour experts of the Dutch Institute for Road Safety Research (SWOV). In order to map out the performance practice conversations have been held with chain partners involved. In addition, two questionnaires were distributed among novice drivers with and without penalty points and registration data was retrieved and analysed. To study the effectiveness of the novice drivers regulation a registration survey was conducted. For drivers with and without novice licences an investigation was made of the extent to which they have been involved in traffic offences (that fall under the novice drivers regulation) and traffic accidents. To conclude, an expert meeting was organised in which the results of the study were presented and in which possibilities were discussed to optimize the novice drivers regulation, both with regard to its execution and design.

Design and policy logic of the novice drivers regulation

The novice drivers regulation is part of the requisition procedure of the Articles 130 et seq of the Road Traffic Act (Wvw 1994) and was elaborated in the Driving Ability and Suitability Measures Regulation 2011. The novice drivers regulation applies to newly qualified drivers. Anyone who obtains his driving licence at age 16 or 17 is regarded as a novice driver the first seven years. As of 18 years of age, a period of five years applies. With the implementation of accompanied driving the novice period has been adapted. To youngsters who obtain their B licence within the framework of accompanied driving when they are 17 a novice period of five years also applies. This period starts from the date of issue of that driving license regardless of whether the driver was already in possession of a driving license for the category AM or T at that time of issue.

The novice drivers regulation is designed as a penalty points driving licence. If a novice driver is stopped by the police after committing a specific severe traffic offence mentioned in the regulation and the driver is irrevocably sentenced for this offence, a point is awarded. If a novice driver has collected two penalty points, the public prosecutor notifies the Central Office for Motor Vehicle Driver Testing (CBR). The CBR obliges the novice driver to cooperate in an investigation into the person's driving ability. Pending this investigation, the driving licence of the driver is usually suspended, which means they are temporarily banned from traffic. A negative outcome of the investigation into the person's driving ability leads to a cancellation of their driving licence.

The aim of the novice drivers regulation is to prevent novice drivers from committing serious traffic offences and being involved in traffic accidents. In addition, a type of selection is intended with the aim to prevent drivers who repeatedly commit traffic offences from driving again. The functioning of the novice drivers regulation is based on the mechanism of discouragement (prevention) and the investigation into the person's driving ability (selection). Sufficient enforcement and communication about enforcement and possible consequences of obtaining penalty points are important contextual factors with regard to the functioning of the discouragement mechanism.

The possibility of concurrence between the novice drivers regulation and other administrative traffic measures is not legally allowed, because it is deemed undesirable that a novice driver should be confronted with two measures simultaneously. This is not the case when concurrence between a criminal settlement and the enforcement of other administrative traffic measures is concerned. This type of concurrence is legally allowed, because different objectives are concerned: administrative traffic measures

aim to safeguard or increase future traffic safety and criminal enforcement aims to retrospectively punish reprehensible traffic behaviour. This also seems to apply to the concurrence with the novice drivers regulation.

Performance practice of the novice drivers regulation

Various chain partners are involved in the execution of the novice drivers regulation and each has their own roles and responsibilities (police, public prosecutor and CBR). The individual partners need to carry out a lot of administrative work: the four criteria of the novice drivers regulation must be checked by both the police and the public prosecutor, provisional and final penalty points must be registered, warning letters must be sent when provisional and final penalty points are registered, and complete notifications must be timely sent to the CBR.

In practice it turns out that in each link of the chain pressure points occur causing leakages. This means that a novice driver may not go through the entire chain and may not receive a penalty point when they should, or that the CBR is not notified when it should have been. An important cause of the leakages is the complexity of the regulation in combination with administrative tasks that need to be carried out by various chain partners. Furthermore, the current driving ability investigation is not regarded as an adequate intervention. The reach of the novice drivers regulation (the number of drivers whose licence is cancelled) is very limited and this is partly caused by the pressure points that occur in the execution and the intervention itself. At the beginning of 2017, the chain partners involved drew up an improvement plan in order to optimize the performance of the novice drivers regulation. The extent to which leakages are prevented due to this plan is not yet known.

More than half of the drivers with and without penalty points is not well acquainted with the novice drivers regulation. The regulation is confused with the recidivism regulation or drivers think that driving under the influence of alcohol or drugs also fall under the novice drivers regulation. Moreover, drivers are not well-informed of the consequences of awarded penalty points. Drivers with penalty points are informed in a letter, however, apparently this information does not make a lasting impression on everyone.

Target reach

In the research period, drivers without a novice licence committed more traffic offences for which they have been stopped by the police than drivers with a novice licence. This result is in line with the intention of the novice drivers regulation. However, it is not necessarily likely that the novice drivers regulation has led to fewer traffic offences being committed, due to the limitations of the registration survey.

The outcomes regarding the involvement in traffic accidents is different from what is intended with the novice drivers regulation. In the research period, drivers with a novice licence were more often involved in a traffic accident than drivers without a novice licence. However, it is hardly likely that the novice drivers regulation has led to an increase in involvement in severe traffic accidents. Nevertheless, the outcome is consistent with existing knowledge about the main causes of the accident risk of young novice drivers.

In conclusion, our literature study shows that it is likely that people whose licence has been cancelled nevertheless do drive a motor vehicle now and then. Therefore, it is unplausible that licence invalidation can completely prevent these people from driving a motor vehicle.

Optimization of the novice drivers regulation

In the search for possibilities to optimize the novice drivers regulation important preconditions were taken into account, namely sufficient enforcement and communication about enforcement and penalty points.

Increasing the reach of the novice drivers regulation could stimulate enforcement. In order to achieve this, the chance of arrest should be enlarged by means of more frequent police controls. A first alternative is to not only apply the regulation in case the driver is stopped by the police, but in addition to

award penalty points for traffic offences that are recorded in an automated way. A second possibility is to expand the novice drivers regulation with the so-called Mulder facts.¹ A third alternative is to simplify the novice drivers regulation, for example by letting go of the notion of novice drivers and by taking the age of the driver as a starting point, or by letting go of both the age and experience criteria in order that all drivers fall under the regulation, irrespective of their age and/or experience. However, the involvement of traffic offences that fall under the novice drivers regulation which have been detected by means of automated traffic controls will lead to a large increase in the number of cases, and for each case it should be established separately who the driver is and subsequently whether the driver is a novice driver or not. Perhaps a choice should be made between increasing the reach of the novice drivers regulation by increasing the chance of arrest by means of more frequent police controls and by a more centralised processing of traffic offences that fall under this regulation by the Central Processing Office of the Netherlands Public Prosecution Service (parket CVOM). In connection with the latter, the burden increase for the CVOM must be pointed out. Moreover, the police seem to be the designated authority that should be able to determine the beginner status of each driver.

Effective enforcement can contribute to increased knowledge about the novice drivers regulation, but in addition, information about the novice drivers regulation may also be helpful. With regard to disseminating this information, driving instructors and driving examiners could be involved.

Chain partners involved in the execution of the novice drivers regulation have expressed due criticism about the effectiveness of this regulation. Furthermore, they expressed doubts as to whether an optimization of the regulation could provide a solution to a number of pressure points and to whether traffic safety is actually influenced by continued existence of the novice drivers regulation. Alternatively, the regulation could be transferred to the Educational Measure Behaviour and traffic (EMG). However, this alternative does not solve the problem that in applying the regulation only a small percentage of the novice drivers is called into account with regard to their traffic behaviour and is ultimately confronted with cancellation of their driving licence. Applying a tit-for-tat approach seems imaginable, however, the administrative proportionality principle must be taken into account.

These alternatives do not, however, detract from the conclusion that although the novice drivers regulation is not ideal, it has an important symbolic function. With this regulation, the government makes it clear that the aim is to reduce the high accident risk among novice drivers.

¹ Mulderfeiten (Mulder facts) are traffic offences that are dealt with according to administrative law, not according to criminal law